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IO/MPR FOR BRIAN G HACKETT
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SUBJECT: SPAIN HAS DOUBTS ABOUT SOME UN REFORMS

REF: STATE 31831

MADRID 00000502 001.2 OF 002

¶1. (SBU) Poloff delivered reftel demarche to Spanish MFA Subdirector General for the UN Juan Manuel Gonzales de LINARES Palou on March 15. Linares appreciated USG concern on this matter and said that the most important point of UN reform was to do no harm to the organization. He agreed with the U.S. that several areas of potential reform remained vague, and he said that the Secretary General needed to provide greater clarification. His comments on specific reforms are summarized below.

//INFORMAL SYSTEM AGREEMENTS//

¶2. (SBU) Spain is in total agreement that a complainant who reaches a mutually agreed solution through mediation should have no later recourse to the formal judicial system. Linares said that the relationship between the formal and informal systems is unclear and greater clarification is necessary.

//UNDEFINED DUTIES//

¶3. (SBU) Linares said that Spain is in agreement that there are no abstract duties of an international organization to its employees other than those stated in the rules and regulations of that organization. He said that the recommendations should clarify this point.

//ROLE OF STAFF ASSOCIATIONS//

¶4. (SBU) In the interest of saving time and money, Spain will support class actions by staff associations if the suits represent an identifiable and finite group of employees. However, Spain would not support class actions on behalf of an unidentified or abstract group of employees.

//JURISDICTION//

¶5. (SBU) Linares said that clarification and greater analysis is necessary on the question of which groups of employees are covered. Spain feels that any PSC employee who is held to UN rules and regulations should have redress to a UN internal judicial system. He noted that the Secretary General would exclude military personnel, interns and volunteers (other than "UN volunteers") from the system. The system would give redress to former employees as well as representatives of deceased employees. But Linares said that Spain needed clarification on several points, including the number of PSC's and the different types of PSC's which could

be affected by this decision. He also wanted clarification on what constitutes a UN remunerated position. In general, Spain does not feel that this system should exclude a large portion of UN staff.

//DAMAGE AWARDS//

¶16. (SBU) Spain agrees that punitive damages should be excluded. On the question of the two-year salary cap, Linares said that Spain would support damages above the two-year cap in certain exceptional circumstances and would therefore propose that the language reflect something akin to "damages should 'normally' not exceed two-years' salary."

//PERSONAL LIABILITY OF STAFF//

¶17. (SBU) Linares admitted that he did not have any knowledge of liability questions within the context of the UN, noting that all Spanish diplomats face liability and therefore pay into a professional liability insurance fund.

//OFFICE OF COUNSEL//

¶18. (SBU) Linares wants greater clarification from the Secretary General on what the role of the Office of Staff

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Legal Assistance would be. He said that Spain could understand if the office's role would be to provide advice. If however it would represent complainants against the UN, it would seem better suited to a staff association.

//FINANCIAL IMPLICATIONS//

¶19. (SBU) Spain's understanding is that the total additional cost of these reforms would be around 27 million dollars a year; Linares agreed on the importance of examining the potential for indirect costs and clarifying the funding of these reforms.

MADRID 00000502 002.2 OF 002

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Llorens